

Entered - 03/02/01 - sb
CL01L0138 - DIANNE C. MITCHELL

CLAIM OF: **BILLIE W. SCHELL,**
through her attorney,
Lawrence E. Harrington
345 E. Lanier Avenue
Fayetteville, Georgia 30214

01-R-0817

For damages alleged to have been sustained as a result of a pedestrian
accident on December 4, 2000 at Boulevard and Ralph McGill
Boulevard.

THIS ADVERSED REPORT IS APPROVED

ADVERSED BY
CITY COUNCIL JUN 04 2001

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED REPORT

COM. Public Safety

DATE 5/29/01

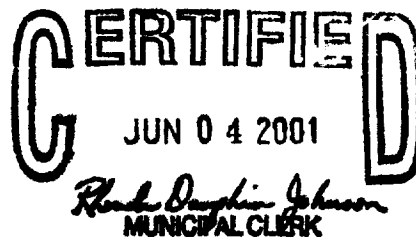
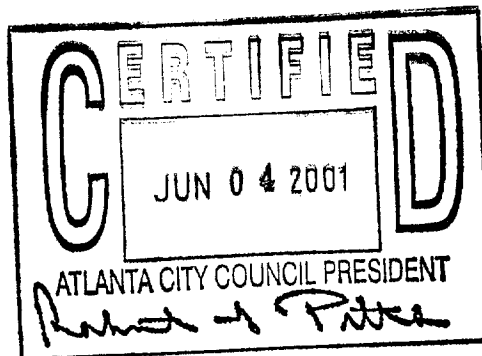
CHM. C. T. Hunt

Michael J. [Signature]

[Signature]

[Signature]

Clota Hensler





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

June 19, 2001

Billie W. Schell
c/o Attorney Lawrence E. Harrington
345 E. Lanier Avenue
Fayetteville, Georgia 30214

01-R-0817

Dear Ms. Schell:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 4, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0138

Date: May 16, 2001

Claimant /Victim BILLIE W. SCHELL
BY: (Atty) Lawrence E. Harrington
Address: 345 E. Lanier Avenue, Fayetteville, Georgia 30214
Subrogation: Claim for Property damage \$ Bodily Injury \$ 17,965.93+
Date of Notice: 02/08/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/04/00 Place: Boulevard and Ralph McGill Boulevard
Department Police Division:
Employee involved Thea C. Johnson Disciplinary Action: Pending

NATURE OF CLAIM: The driver of the City vehicle failed to yield right-of-way to the claimant as she was crossing the street in the crosswalk. However, the claimant has rejected the City's settlement offer.

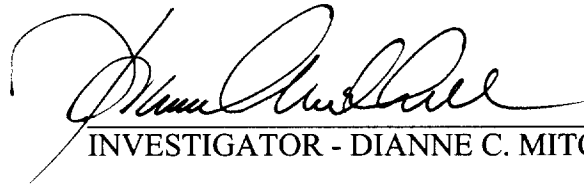
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver X Claimant Driver
Citation disposition: City Driver Claimant Driver

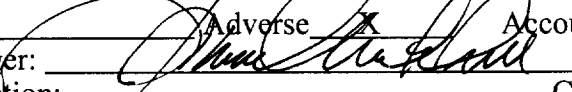
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected X Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 05-16-01
Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

FEB - 8 2001

RE: CLAIM FOR DAMAGES

Today's Date: 03/01/01

Dear Municipal Clerk:

ENTERED - 3-2-01 - SB
01L0138 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ NONE property and/or \$ EXTENT UNK. bodily injury for which I contend the City is liable.

1. Date of incident: DEC. 4, 2000 (month/day/year) 2. Time of Incident: 2:30p 3. Police called: YES Yes No
4. Location of incident (including street address): BOULEVARD @ RALPH MCGILL BLVD.
5. Name of your insurance company: UNIDENTIFIED Policy No. UNIDENTIFIED
6. State what and how incident occurred: WAS CROSSED BY A VAN ON RALPH MCGILL BLVD. THE VAN WAS DRIVEN BY A PERSON WHO WAS DRIVING A WHITE TRUCK AND HIT THE VAN AND IT WAS DRIVEN INTO THE SIDE OF THE VAN AND IT WAS DRIVEN INTO THE SIDE OF THE VAN AND IT WAS DRIVEN INTO THE SIDE OF THE VAN.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
- | | | | | | |
|---------------|--------------------|--------|------------------------|----------------------|---------------------|
| Your vehicle: | <u>N/A</u> | (Make) | (Year) | (Tag Number) | (Driver's Name) |
| City vehicle: | <u>98 FORD VAN</u> | (Make) | <u>THEA C. JOHNSON</u> | (City Driver's Name) | <u>A.P.D.</u> |
| | | | | | (Department/Bureau) |
9. Witness: ROBERT REVASZ 1411 WINDY HILL AT. CONYERS GA. 30013 678-794-0617
(Name) (Address) (Telephone Number)
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Dianne Mitchell
Signature of Claimant

BILLIE W. SCHELL
(Print Claimant's Name)

481 FLINT TRL
(Address)

JONESBORO, GA. 30236
(City, State and Zip Code)

770-478-9279
(Work Number) (Home Number)

01-R-0817

RCS# 2912
6/04/01
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 12

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Unanimous

Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

01-O-0653
01-O-0663
01-O-0664
01-O-0835
01-R-0181
01-R-0851

CONSENT

06/04/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0821
2. 01-O-0834
3. 01-O-0833
4. 01-O-0492
5. 01-O-0671
6. 01-O-0717
7. 01-O-0825
8. 01-O-0826
9. 01-O-0837
10. 01-R-0832
11. 01-R-0308
12. 01-R-0836
13. 01-R-0784
14. 01-R-0785
15. 01-R-0822
16. 01-R-0352
17. 01-R-0792
18. 01-R-0846
19. 01-R-0794
20. 01-R-0795

**ITEMS ADVERSED
ON CONSENT AGENDA**

21. 01-R-0796
 22. 01-R-0797
 23. 01-R-0798
 24. 01-R-0799
 25. 01-R-0800
 26. 01-R-0801
 27. 01-R-0802
 28. 01-R-0803
 29. 01-R-0804
 30. 01-R-0805
 31. 01-R-0806
 32. 01-R-0807
 33. 01-R-0808
 34. 01-R-0891
 35. 01-R-0810
 36. 01-R-0811
 37. 01-R-0812
 38. 01-R-0813
 39. 01-R-0814
 40. 01-R-0815
 41. 01-R-0816
 42. 01-R-0817
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